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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,156	12/31/2003	Takayuki Tamura	501.34466CC4	6972

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EXAMINER
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CHUNG, PHUNG M

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/748,156	<b>Applicant(s)</b> TAMURA ET AL.	
	<b>Examiner</b> Phung My Chung	<b>Art Unit</b> 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/679,960.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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Art Unit: 2133

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 29-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamagami et al (5,644,539).

As per claim 29, Yamagami et al disclose the invention substantially as claimed, comprising:

A system interface unit (4) which carries out interface with a host system (2) via an external bus (3);

A controller (5) coupled with the system interface which analyzes commands received by the system interface from the host system and controls operations to be performed within the storage device; and

A non-volatile semiconductor memory (8) coupled with the controller, wherein the non-volatile semiconductor memory is electrically erasable and electrically programmable and stores data from the host system via the system interface, and

Wherein, in response to a read command received by the system interface unit, the controller carries out concurrent operations of data transferring of data after data processing to the host system via the system interface unit and of data transferring of subsequent data for data processing from the non-volatile semiconductor memory to the controller. (See Fig. 1, col. 4, lines 25 –56, col. 12, lines 38-45).

As per claims 30-31, Yamagami et al further disclose wherein the concurrent operations of the data transferring of data after the data processing to the host system via the system interface unit and of data transferring of subsequent data for the data processing from the non-volatile semiconductor memory are carried out by two memories and by the controller. (See Fig. 1 and col. 4, lines 25-56).

As per claims 32-35, Yamagami et al further disclose wherein one of the two memories is a non-volatile semiconductor memory which is a flash memory. (See Fig. 1, col. 12, lines 38-45).

As per claims 36-39, Yamagami et al further disclose wherein one of the two memories is coupled with the controller via a first memory bus and the other is coupled with the controller via a second memory bus.... (See Fig. 1).

As per claim 40, this claim is also rejected under the same rationale as set forth in claim 29.

As per claims 41-42, these claims are also rejected under the same rationale as set forth in claims 30-31.

As per claims 43-46, these claims are also rejected under the same rationale as set forth in claims 32-35.

As per claims 47-50, these claims are also rejected under the same rationale as set forth in claims 36-39.

As per claims 51, these claims are also rejected under the same rationale as set forth in claims 29 and 40.

As per claims 52-53, these claims are also rejected under the same rationale as set forth in claims 30-31 and 41-42.

As per claim 54-57, these claims are also rejected under the same rationale as set forth in claims 32-35 and 43-46.

As per claims 58-61, these claims are also rejected under the same rationale as set forth in claims 36-39 and 47-50.

3. Applicant's arguments with respect to claims 29-61 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung My Chung whose telephone number is 571-272-3818. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phung My Chung  
Primary Patent Examiner  
Art Unit 2133